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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/564,811

01/17/2006

Lawrence Kesteloot

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EXAMINER

SWEENEY, PATRICK E

ART UNIT

PAPER NUMBER

2162

MAIL DATE

DELIVERY MODE

02/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

AK

Office Action Summary

Application No.

10/564,811

Applicant(s)

KESTELOOT ET AL.

Examiner

Patrick E. Sweeney

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-147 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-147 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: _____

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-9, 20, 62, 37-56, 62, 64-72, 83, 91-111, 125-126, and 134, drawn to application of a remote database or structure, classified in Class 707, subclass 104.1.

Group II, claim(s) 10-13, 14-19, 36, 63, 73-82, and 135, drawn to the conversion between standards having different aspect ratios, classified in Class 348, subclass 445.

Group III, claim(s) 21-29, 30-33, 57-59, 84-90, 112, 122-124, 127-133, 136, 140, 142-143, and 145-147, drawn to the conversion between standards having different aspect ratios, classified in Class 348, subclass 445.

Group IV, claim(s) 34-35, 60 and 61, drawn to a business method including a usage or charge determination, classified in Class 705, subclass 52.

Group V, claim(s) 113-121, drawn to an application of a database or structure, classified in Class 707, subclass 104.1.

2. The inventions listed as Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The common features of the Groups I-IV, that of either detecting or converting an aspect ratio of a media stream and display device to output the media stream, as well as using a database to determine the aspect ratio of a media stream, have been disclosed in a prior art reference found during the international search (PCT/US04/22847). Arora (US

2004/0114049) discloses identifying the aspect ratio of an incoming media stream either from a database or from the media stream itself (See Arora page 2, paragraph [0017]).

Arora also discloses adjusting the aspect ratio of the display in response to the input media stream (See Arora page 2, paragraphs [0014]-[0016] where it is disclosed that the display can be cropped to only display the portions of the media stream with media content, such as moving images, in it). Therefore, since the common features of detecting or converting an aspect ratio of a media stream and display device to output the media stream, as well as using a database to determine the aspect ratio of a media stream do not make a contribution over the prior art, they are not considered to be special technical features.

Therefore Groups I-V are distinct from each other and lack unity of invention for the following reasons:

The features of Group I have been shown to be disclosed in prior art, and therefore Group I has no special technical features. Group 2 pertains to the analysis of the media stream, as well as converting the media stream for performance on a display. Group III pertains to the manipulation of "masks" in order to affect the display area. Group IV pertains to a business method for charging access to a database. Group V is directed toward a physical media for storing media metadata but does not appear to be an apparatus or means "specifically designed for carrying out" the processes of the other groups, and therefore also lacks a common special technical feature with the other Groups. Therefore the Groups identified lack a unifying "special technical feature" and therefore lack unity of invention.

3. Because these inventions have been shown to lack unity of invention for reasons given above, and because these inventions have acquired a separate status in the art because of their recognized divergent subject matter, requiring separate searches for each Group, restriction for examination purposes as indicated is proper.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

5. An election, with or without traverse, must be made by the Applicant in replying to this Office Action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick E. Sweeney whose telephone number is (571) 270-1687. The examiner can normally be reached on Mon. - Fri. (Alternate Fridays Off) EST.

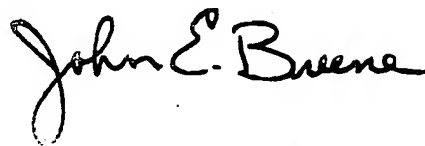
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571)272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patrick Sweeney
Art Unit 2162
PES
PES
February 1, 2008



JOHN BREENE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

/kuen lu/